

DETAILED ACTION

1. Applicant's preliminary amendment, filed on 06/16/2005, is acknowledged.

Claims 1 – 10 are pending.

Restriction Requirement

2. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

- I. Claims 1 – 4 and 9 – 10, drawn to a composition comprising a substance capable of blocking binding of an **MHC Class II molecule** and a receptor thereof and a substance capable of blocking binding of a **costimulatory molecule** and a receptor thereof.

- II. Claims 1-2, 5-6 and 9-10, drawn to a composition comprising a substance capable of blocking binding of an **MHC Class II molecule** and a receptor thereof a substance capable of blocking binding of an **adhesion molecule** and a receptor thereof.

- III. Claims 1-2 and 7-10, drawn to a composition comprising a substance capable of blocking binding of an **MHC Class II molecule** and a receptor thereof and a substance capable of blocking binding of a **cytokine** and a receptor thereof.

- IV. Claims 1, 3-6 and 9-10, drawn to a composition comprising a substance capable of blocking binding of a **costimulatory molecule** and a receptor thereof a substance capable of blocking binding of an **adhesion molecule** and a receptor thereof.

V. Claims 1, 3-4 and 7-10, drawn to a composition comprising a substance capable of blocking binding of a **costimulatory molecule** and a receptor thereof and a substance capable of blocking binding of a **cytokine** and a receptor thereof.

VI. Claims 1 and 5-10, drawn to a composition comprising a substance capable of blocking binding of an **adhesion molecule** and a receptor thereof and a substance capable of blocking binding of a **cytokine** and a receptor thereof.

VII. Claims 1-6 and 9-10, drawn to a composition comprising a substance capable of blocking binding of an **MHC Class II molecule** and a receptor thereof, a substance capable of blocking binding of a **costimulatory molecule** and a receptor thereof, and a substance capable of blocking binding of an **adhesion molecule** and a receptor thereof,

VIII. Claims 1-4 and 7-10, drawn to a composition comprising a substance capable of blocking binding of an **MHC Class II molecule** and a receptor thereof, a substance capable of blocking binding of a **costimulatory molecule** and a receptor thereof, and a substance capable of blocking binding of a **cytokine** and a receptor thereof.

IX. Claims 1-2 and 5-10, drawn to a composition comprising a substance capable of blocking binding of an **MHC Class II molecule** and a receptor thereof, a substance capable of blocking binding of an **adhesion molecule** and a receptor thereof, and a substance capable of blocking binding of a **cytokine** and a receptor thereof.

X. Claims 1 and 3-10, drawn to a composition comprising a substance capable of blocking binding of a **costimulatory molecule** and a receptor thereof, a substance capable of blocking binding of an **adhesion molecule** and a receptor thereof, and a

substance capable of blocking binding of a **cytokine** and a receptor thereof.

XI. Claims 1-10, drawn to a composition comprising a substance capable of blocking binding of an **MHC Class II molecule** and a receptor thereof, a substance capable of blocking binding of a **costimulatory molecule** and a receptor thereof, a substance capable of blocking binding of an **adhesion molecule** and a receptor thereof, and a substance capable of blocking binding of a **cytokine** and a receptor thereof.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

3. The inventions listed as Groups I – XI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The inventions of Groups I – XI are deemed to have no special technical feature that defines the contribution over the prior art of US Pat. Pub. No. 2005/0214313 (see entire document)

US Pat. Pub. No. 2005/0214313 teaches at least at paragraph 0083 a pharmaceutical composition for treating autoimmune disorders comprising a CTLA4 mutant molecule (a substance capable of blocking binding of a costimulatory molecule and a receptor thereof) and a LFA-1 antagonist (a substance capable of blocking binding of an adhesion molecule and a receptor thereof), thereby anticipating at least the instant claim 1.

Since Applicant's inventions do not contribute a special technical feature when viewed over the prior art, they do not have a single general inventive concept and so lack unity of invention.

Species Election

4. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1 for the same reason as set forth in section 3 *supra*.

A. If an invention reading on a substance capable of blocking binding of an **MHC Class II molecule** and a receptor thereof, Applicant is required to elect a single species from those recited in claim 2.

B. If an invention reading on a substance capable of blocking binding of a **costimulatory molecule** and a receptor thereof, Applicant is required to elect a single species from those recited in claim 3, and a sub-species from those recited in claim 4.

C. If an invention reading on a substance capable of blocking binding of an **adhesion molecule** and a receptor thereof, Applicant is required to elect a single species from those recited in claim 5, and a sub-species from those recited in claim 6.

D. If an invention reading on substance capable of blocking binding of a **cytokine** and a receptor thereof, Applicant is required to elect a single species from those recited in claim 7, and a sub-species from those recited in claim 8.

These species do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features.

Applicant is required under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

5. Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. M.P.E.P. § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103 of the other invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ILIA OUSPENSKI whose telephone number is (571)272-2920. The examiner can normally be reached on Monday-Friday 9 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen B. O'Hara can be reached on 571-272-0878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ILIA OUSPENSKI/

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